



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: February 17, 2023

To: Richard Conescu, Chair, & Members, Zoning Board of Adjustment

From: Robert Price, Planning & Zoning Administrator

Subject: **Governor's Hill Corp (petitioner/owner)** - Equitable Waiver of Dimensional Requirements under Section 3.05 of the Zoning Ordinance to permit an existing leach field to remain 13 feet from the side property line whereas 20 feet is required. The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6D, Lot 104. Case # ZBA 2023-06.

Governor's Hill Corp (petitioner/owner) - Equitable Waiver of Dimensional Requirements under Section 3.02.4 of the Zoning Ordinance to permit an existing rock retaining wall to remain 1.6 feet, at its closest point, from the side property line whereas 15 feet is required. The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6D, Lot 104. Case # ZBA 2023-05.

Governor's Hill Corp (petitioner/owner) - Appeal from an Administrative Decision issued on December 13, 2022 that determined a newly installed (2022) leach field shall adhere to the Town's 20' property line setback despite being installed on a legal nonconforming lot of record. The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6D, Lot 104. Case # ZBA 2023-03.

Governor's Hill Corp (petitioner/owner) - Appeal from an Administrative Decision issued on December 13, 2022 that determined a rock retaining wall that is over 4' in height is considered a structure and is subject to setback requirements. The parcel is located at 22 Constance Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6D, Lot 104. Case # ZBA 2023-04.

As the Board recalls, the above-referenced petitions were continued by the Board at the petitioner's request at the January 25, 2023 ZBA meeting after corresponding variances were granted in each case.

Staff would ask that the Board make a motion to deem each of the above-referenced petitions moot since variances have been granted and these issues are no longer of concern.